

ASSEMBLY BILL

No. 2581

Introduced by Assembly Member Bradford

February 21, 2014

An act to amend Section 25402.1 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2581, as introduced, Bradford. Energy: public domain computer program.

Existing law requires the California Energy Commission to prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings. Existing law also requires the commission to prescribe, by regulation, energy and water conservation design standards for new residential and new nonresidential buildings. In order to implement these requirements, existing law requires the commission to develop a public domain computer program that enables contractors, builders, architects, engineers, and government officials to estimate energy consumed by residential and nonresidential buildings and requires the commission to establish a formal process for certification of compliance options for new products, materials, and calculation methods, as prescribed.

This bill would require the commission to ensure that the public domain computer program and the compliance options produce an estimate of energy consumption for residential and nonresidential buildings that has an accuracy within 5% of actual energy consumption for residential and nonresidential buildings.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25402.1 of the Public Resources Code
2 is amended to read:
3 25402.1. (a) In order to implement the requirements of
4 subdivisions (a) and (b) of Section 25402, the commission shall
5 do all of the following:
6 ~~(a)~~
7 (1) Develop a public domain computer program ~~which~~ that will
8 enable contractors, builders, architects, engineers, and government
9 officials to estimate the energy consumed by residential and
10 nonresidential buildings. The commission may charge a fee for
11 the use of the program, which fee shall be based upon the actual
12 cost of the program, including any computer costs.
13 ~~(b)~~
14 (2) Establish a formal process for certification of compliance
15 options for new products, materials, and calculation methods ~~which~~
16 that provides for adequate technical and public review to ensure
17 accurate, equitable, and timely evaluation of certification
18 applications. Proponents filing applications for new products,
19 materials, and calculation methods shall provide all information
20 needed to evaluate the application that is required by the
21 commission. The commission shall publish annually the results
22 of its certification decisions and instructions to users and local
23 building officials concerning requirements for showing compliance
24 with the building standards for new products, materials, or
25 calculation methods. The commission may charge and collect a
26 reasonable fee from applicants to cover the costs under this
27 ~~subdivision~~ paragraph. Any funds received by the commission
28 for purposes of this subdivision shall be deposited in the Energy
29 Resources Programs Account and, notwithstanding Section 13340
30 of the Government Code, are continuously appropriated to the
31 commission for the purposes of this subdivision. Any
32 unencumbered portion of funds collected as a fee for an application
33 remaining in the Energy Resources Programs Account after
34 completion of the certification process for that application shall
35 be returned to the applicant within a reasonable period of time.

1 (e)

2 (3) Include a prescriptive method of complying with the
3 standards, including design aids such as a manual, sample
4 calculations, and model structural designs.

5 (d)

6 (4) Conduct a pilot project of field testing of actual residential
7 buildings to calibrate and identify potential needed changes in the
8 modeling assumptions to increase the accuracy of the public
9 domain computer program specified in ~~subdivision (a)~~ *paragraph*
10 *(1)* and to evaluate the impacts of the standards, including, but not
11 limited to, the energy savings, cost effectiveness, and the effects
12 on indoor air quality. The pilot project shall be conducted pursuant
13 to a contract entered into by the commission. The commission
14 shall consult with the participants designated pursuant to Section
15 9202 of the Public Utilities Code, *as that section read on December*
16 *31, 2003*, to seek funding and support for field monitoring in each
17 public utility service territory, with the University of California to
18 take advantage of its extensive building monitoring expertise, and
19 with the California Building Industry Association to coordinate
20 the involvement of builders and developers throughout the state.
21 The pilot project shall include periodic public workshops to
22 develop plans and review progress. The commission shall prepare
23 and submit a report to the Legislature on progress and initial
24 findings not later than December 31, 1988, and a final report on
25 the results of the pilot project on residential buildings not later
26 than June 30, 1990. The report shall include recommendations
27 regarding the need and feasibility of conducting further monitoring
28 of actual residential and nonresidential buildings. The report shall
29 also identify any revisions to the public domain computer program
30 and energy conservation standards if the pilot project determines
31 that revisions are appropriate.

32 (5) *Ensure that the public domain computer program developed*
33 *pursuant to paragraph (1) and compliance options required*
34 *pursuant to paragraph (2) produce an estimate of energy*
35 *consumption for residential and nonresidential buildings that has*
36 *an accuracy within 5 percent of actual energy consumption for*
37 *residential and nonresidential buildings.*

38 (e)

39 (6) Certify, not later than 180 days after approval of the
40 standards by the State Building Standards Commission, an energy

1 conservation manual for use by designers, builders, and contractors
2 of residential and nonresidential buildings. The manual shall be
3 furnished upon request at a price sufficient to cover the costs of
4 production and shall be distributed at no cost to all affected local
5 agencies. The manual shall contain, but not be limited to, the
6 following:

7 ~~(1)~~

8 (A) The standards for energy conservation established by the
9 commission.

10 ~~(2)~~

11 (B) Forms, charts, tables, and other data to assist designers and
12 builders in meeting the standards.

13 ~~(3)~~

14 (C) Design suggestions for meeting or exceeding the standards.

15 ~~(4)~~

16 (D) Any other information which the commission finds will
17 assist persons in conforming to the standards.

18 ~~(5)~~

19 (E) Instructions for use of the computer program for calculating
20 energy consumption in residential and nonresidential buildings.

21 ~~(6)~~

22 (F) The prescriptive method for use as an alternative to the
23 computer program.

24 ~~(f) The commission shall establish~~

25 (7) *Establish* a continuing program of technical assistance to
26 local building departments in the enforcement of subdivisions (a)
27 and (b) of Section 25402 and this section. The program shall
28 include the training of local officials in building technology and
29 enforcement procedures related to energy conservation, and the
30 development of complementary training programs conducted by
31 local governments, educational institutions, and other public or
32 private entities. The technical assistance program shall include the
33 preparation and publication of forms and procedures for local
34 building departments in performing the review of building plans
35 and specifications. The commission shall provide, on a contract
36 basis, a review of building plans and specifications submitted by
37 a local building department, and shall adopt a schedule of fees
38 sufficient to repay the cost of those services.

39 ~~(g)~~

1 (b) Subdivisions (a) and (b) of Section 25402 and this section,
2 and the rules and regulations of the commission adopted pursuant
3 ~~thereto, to those provisions~~, shall be enforced by the building
4 department of every city, county, or city and county.

5 (1) ~~No~~ A building permit for ~~any~~ a residential or nonresidential
6 building shall *not* be issued by a local building department, unless
7 a review by the building department of the plans for the proposed
8 residential or nonresidential building contains detailed energy
9 system specifications and confirms that the building satisfies the
10 minimum standards established pursuant to subdivision (a) or (b)
11 of Section 25402 and this section applicable to the building.

12 (2) Where there is no local building department, the commission
13 shall enforce subdivisions (a) and (b) of Section 25402 and this
14 section.

15 (3) If a local building department fails to enforce subdivisions
16 (a) and (b) of Section 25402 and this section or any other provision
17 of this chapter or standard adopted pursuant thereto, the
18 commission may provide enforcement after furnishing 10 days'
19 written notice to the local building department.

20 (4) A city, county, or city and county may, by ordinance or
21 resolution, prescribe a schedule of fees sufficient to pay the costs
22 incurred in the enforcement of subdivisions (a) and (b) of Section
23 25402 and this section. The commission may establish a schedule
24 of fees sufficient to pay the costs incurred by that enforcement.

25 (5) ~~No~~ The construction of ~~any~~ a state building shall *not*
26 commence until the Department of General Services or the state
27 agency that otherwise has jurisdiction over the property reviews
28 the plans for the proposed building and certifies that the plans
29 satisfy the minimum standards established pursuant to ~~subdivision~~
30 ~~(a) or (b) of Chapter 2.8 (commencing with Section 15814.30) of~~
31 Part 10b of Division 3 of Title 2 of the Government Code,
32 *subdivision (a) or (b) of Section 25402*, and this section ~~which that~~
33 are applicable to the building.

34 ~~(h)~~

35 (c) Subdivisions (a) and (b) of Section 25402 and this section
36 shall apply only to new residential and nonresidential buildings
37 on which actual site preparation and construction have not
38 commenced prior to the effective date of rules and regulations
39 adopted pursuant to those sections that are applicable to those

1 buildings. ~~Nothing in those~~ *Those* sections shall *not* prohibit either
2 of the following:

3 (1) The enforcement of state or local energy conservation or
4 energy insulation standards, adopted prior to the effective date of
5 rules and regulations adopted pursuant to subdivisions (a) and (b)
6 of Section 25402 and this section with regard to residential and
7 nonresidential buildings on which actual site preparation and
8 construction have commenced prior to that date.

9 (2) The enforcement of city or county energy conservation or
10 energy insulation standards, whenever adopted, with regard to
11 residential and nonresidential buildings on which actual site
12 preparation and construction have not commenced prior to the
13 effective date of rules and regulations adopted pursuant to
14 subdivisions (a) and (b) of Section 25402 and this section, if the
15 city or county files the basis of its determination that the standards
16 are cost effective with the commission and the commission finds
17 that the standards will require the diminution of energy
18 consumption levels permitted by the rules and regulations adopted
19 pursuant to those sections. If, after two or more years after the
20 filing with the commission of the determination that those standards
21 are cost effective, there has been a substantial change in the factual
22 circumstances affecting the determination, upon application by
23 any interested party, the city or county shall update and file a new
24 basis of its determination that the standards are cost effective. The
25 determination that the standards are cost effective shall be adopted
26 by the governing body of the city or county at a public meeting.
27 If, at the meeting on the matter, the governing body determines
28 that the standards are no longer cost effective, the standards shall,
29 as of that date, be unenforceable and no building permit or other
30 entitlement shall be denied based on the noncompliance with the
31 standards.

32 (i)

33 (d) The commission may exempt from the requirements of this
34 section and of any regulations adopted pursuant ~~thereto~~ *to this*
35 *section* any proposed building for which compliance would be
36 impossible without substantial delays and increases in cost of
37 construction, if the commission finds that substantial funds have
38 been expended in good faith on planning, designing, architecture,
39 or engineering prior to the date of adoption of the regulations.

40 (j)

1 (e) If a dispute arises between an applicant for a building permit,
2 or the state pursuant to paragraph (5) of subdivision ~~(g)~~ (b), and
3 the building department regarding interpretation of Section 25402
4 or the regulations adopted pursuant thereto, either party may submit
5 the dispute to the commission for resolution. The commission's
6 determination of the matter shall be binding on the parties.

7 ~~(k)~~

8 (f) Nothing in Section 25130, 25131, or 25402, or in this section
9 prevents enforcement of any regulation adopted pursuant to this
10 chapter, or Chapter 11.5 (commencing with Section 19878) of Part
11 3 of Division 13 of the Health and Safety Code as they existed
12 prior to September 16, 1977.